

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Jane Doe #1, et al.,  
Plaintiffs,  
v.  
Alejandro Mayorkas, Secretary of  
Homeland Security, et al.,  
Defendants.

} Case No. 15-cv-250-TUC-DCB

**ORDER GRANTING  
PRELIMINARY APPROVAL  
OF THE PARTIES'  
SETTLEMENT RE:  
ATTORNEYS FEES AND  
COSTS; AND APPROVAL OF  
NOTICE TO THE CLASS**

**CLASS ACTION**

The Parties have made an application, pursuant to Rule 23(h) of the Federal Rules of Civil Procedure, for an order preliminarily approving the Settlement Agreement, which, sets forth the terms and conditions for the settlement of attorney fees and costs for Plaintiffs' attorneys. This Court has read and considered the Settlement Agreement and the Joint Motion to Preliminarily Approve Settlement. The Court has read and considered the records of fees and expenses and finds that it preliminarily appears that the Settlement Agreement is fair and reasonable. The proposed settlement of attorney fees and costs shall be noticed to the class.

**Accordingly,**

**IT IS ORDERED** that the Settlement Agreement Re: Attorney Fees and Costs is preliminarily approved, subject to any objections which, if any, shall be considered prior to final approval of the settlement.

**IT IS FURTHER ORDERED** that the Notice of the Settlement Agreement, in the form submitted as Exhibit B to the Parties' Joint Motion, is approved, except it shall be amended to reflect that any objections be mailed to counsel only, who shall be responsible for filing them or a notice of no objections with the Court.

1       **IT IS FURTHER ORDERED** that the Notice of the Settlement Agreement, in the  
2 form submitted and as amended by this Order, shall be posted by Defendants in English  
3 and in Spanish in each of the stations in Tucson Sector Border Patrol and posted digitally  
4 on the website of the ACLU of Arizona, local counsel in this case, on the page dedicated  
5 to this litigation, for fourteen (14) days subsequent to the filing date of this Order.

6       **IT IS FURTHER ORDERED** that the Court may hold a Hearing in the event of  
7 any objections or at its discretion to determine whether the Settlement Agreement is fair  
8 and reasonable and should be approved. The Court may hold the Hearing by virtual or  
9 other means.

10      **IT IS FURTHER ORDERED** that within 14 days after the expiration of time for  
11 objections, the Parties shall jointly file a Notice of objections or no objections,  
12 accompanied by copies of any objections and the Parties' responses. The Court shall  
13 determine an appropriate course of action, including setting a hearing.

14      **IT IS FURTHER ORDERED** that in the event there are no objections, the Parties  
15 shall simultaneously submit, either jointly or individually, proposed Findings of Fact and  
16 Conclusions of Law and a proposed order of final approval.

17      **IT IS FURTHER ORDERED** that pending the Court's final determination of  
18 whether it will approve the Settlement Agreement, all proceedings in this action shall  
19 remain stayed. This includes tolling the deadline for plaintiffs to file an application for the  
20 award of attorney fees and nontaxable expenses under the Equal Access to Justice Act, 28  
21 U.S.C. § 2412.

22      ///

23      ///

24      ///

25      ///

26      ///

27      ///

28      ///

1           **IT IS FURTHER ORDERED** that the Court may approve the Settlement  
2 Agreement, with such modifications as may be agreed to by the Parties, if appropriate,  
3 without further notice to Class Members.

4           Dated this 18th day of February, 2022.

5  
6  
7  
8



9           Honorable David C. Bury  
10           United States District Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28